

## IMPORTANT INFORMATION CONCERNING THE CARRYING OF CONCEALED HANDGUNS IN VIRGINIA

A permit to carry a concealed weapon pursuant to Section 18.2-308 authorizes the carrying of such weapon **only** within the Commonwealth of Virginia. **It does not extend the authority to other states.** There are however several states that grant reciprocal privileges to Virginia residents who have qualified in Virginia. You may obtain a current list of such states, and information about limited rights granted by other states, as well as your rights and responsibilities in Virginia associated with a concealed weapon permit, by viewing the Virginia State Police website located at [www.vsp.state.va.us](http://www.vsp.state.va.us).

The list of laws and information provided herein is not all-inclusive! It is the responsibility of each individual who elects to carry a concealed weapon pursuant to the Virginia law, to know, respect, and obey all applicable local, state and federal laws that deal with the possession and use of firearms. You are again referred to the Virginia State Police website at [www.vsp.state.va.us](http://www.vsp.state.va.us) for a listing of selected state laws pertaining to firearms. We in the Loudoun County Circuit Court Clerk's office hope that the information provided herein has been helpful to you and that you will be safe and responsible in your use of this permit.

Even though Virginia law allows the carrying of a concealed handgun by individuals who have obtained a valid permit to do so pursuant to Section 18.2-308 of the Virginia Code, there are instances and situations in which the carrying of a concealed weapon is **never** allowed, even by those who have obtained the valid permit mentioned above. Some of these instances and situations are outlined below:

**School Property:** If any person possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § [18.2-308](#), other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

If any person possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

If any person possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § [18.2-308](#) shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ [9.1-138](#) et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk. (see Section 18.2-308.1)

**Courthouse:** It shall be unlawful for any person to possess in or transport into any courthouse in this Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon and (iii) any other dangerous weapon, including explosives, stun weapons as defined in § [18.2-308.1](#), and those weapons specified in subsection A of § [18.2-308](#). Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor.

The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or official, conservation police officer, conservator of the peace, magistrate, court officer, judge, or city or county treasurer while in the conduct of such person's official duties. (see Section 18.2-283.1).

**Place of Religious Worship:** If any person carry any gun, pistol, bowie knife, dagger or any other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place, he shall be guilty of a Class 4 misdemeanor (see Section 18.2-283).

**Any Public Place when under the influence of Alcohol or Illegal Drugs:** Any person permitted to carry a concealed handgun who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § [18.2-36.1](#), maiming in violation of § [18.2-51.4](#), driving while intoxicated in violation of § [18.2-266](#), public intoxication in violation of § [18.2-388](#), or driving while intoxicated in violation of § [46.2-341.24](#). Upon such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years (see Section 18.2-308.12(A)).

**Place where Alcoholic Beverages are being served:** No person who carries a concealed handgun onto the premises of any restaurant or club as defined in § [4.1-100](#) for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer. (see Section 18.2-308.12(B)).

**Place where illegal Alcoholic Beverages are being manufactured, stored, transported or sold:** All stills and distilling apparatus and materials for the manufacture of alcoholic beverages, all alcoholic beverages and materials used in their manufacture, all containers in which alcoholic beverages may be found, which are kept, stored, possessed, or in any manner used in violation of the provisions of this title, and any dangerous weapons as described in § [18.2-308](#), which may be used, or which may be found upon the person or in any vehicle which such person is using, to aid such person in the unlawful manufacture, transportation or sale of alcoholic beverages, or found in the possession of such person, or any horse, mule or other beast of burden, any wagon, automobile, truck or vehicle of any nature whatsoever which is found in the immediate vicinity of any place where alcoholic beverages are being unlawfully manufactured and which such animal or vehicle is being used to aid in the unlawful manufacture, shall be deemed contraband and shall be forfeited to the Commonwealth.

Proceedings for the confiscation of the above property shall be in accordance with § [4.1-338](#) for all such property except motor vehicles which proceedings shall be in accordance with Chapter 22.1 (§ [19.2-386.1](#) et seq.) of Title 19.2. (see Section 4.1-336).

**While in the possession of Controlled Substances:** It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ [54.1-3400](#) et seq.) of Title 54.1 to simultaneously with knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony.

It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ [54.1-3400](#) et seq.) to simultaneously with knowledge and intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ [54.1-3400](#) et seq.), synthetic cannabinoids or more than one pound of marijuana. A violation of this subsection is a Class 6 felony, and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five years. Such punishment

shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony (see Section 18.2-308.4).

**Without the concealed Handgun Permit in one's possession:** The person issued the permit shall have such permit on his person at all times during which he is carrying a concealed handgun and shall display the permit and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-enforcement officer. A person to whom a nonresident permit is issued shall have such permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and shall display the permit on demand by a law-enforcement officer. A person whose permit is extended due to deployment shall carry with him and display, upon request of a law-enforcement officer, a copy of the documents required by subsection B of § [18.2-308.010](#). (see Section 18.2-308.01(A).

**Prohibition by the owner of private property:** The granting of a concealed weapon permit shall not thereby authorize the possession any handgun or other weapon on property or in places where such possession is otherwise prohibited by law or is prohibited by the owner of private property (see Section 18.2-308.01(C).

**Air Carrier Airport Terminal:** It shall be unlawful for any person to possess or transport into any air carrier airport terminal in the Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, and (iii) any other dangerous weapon, including explosives, stun weapons as defined in § [18.2-308.1](#), and those weapons specified in subsection A of § [18.2-308](#). Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor. Any weapon possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § [19.2-386.28](#).

The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or official, or conservation police officer, or conservator of the peace employed by the air carrier airport, nor shall the provisions of this section apply to any passenger of an airline who, to the extent otherwise permitted by law, transports a lawful firearm, weapon, or ammunition into or out of an air carrier airport terminal for the sole purposes, respectively, of (i) presenting such firearm, weapon, or ammunition to U.S. Customs agents in advance of an international flight, in order to comply with federal law, (ii) checking such firearm, weapon, or ammunition with his luggage, or (iii) retrieving such firearm, weapon, or ammunition from the baggage claim area.

Any other statute, rule, regulation, or ordinance specifically addressing the possession or transportation of weapons in any airport in the Commonwealth shall be invalid, and this section shall control (see Section 18.2-287.01).

**Penalty for failure to carry photo ID with Concealed Handgun Permit:** A civil penalty in the amount of \$25.00 will be charged for not carrying a government issued photo identification with a Concealed Handgun Permit.